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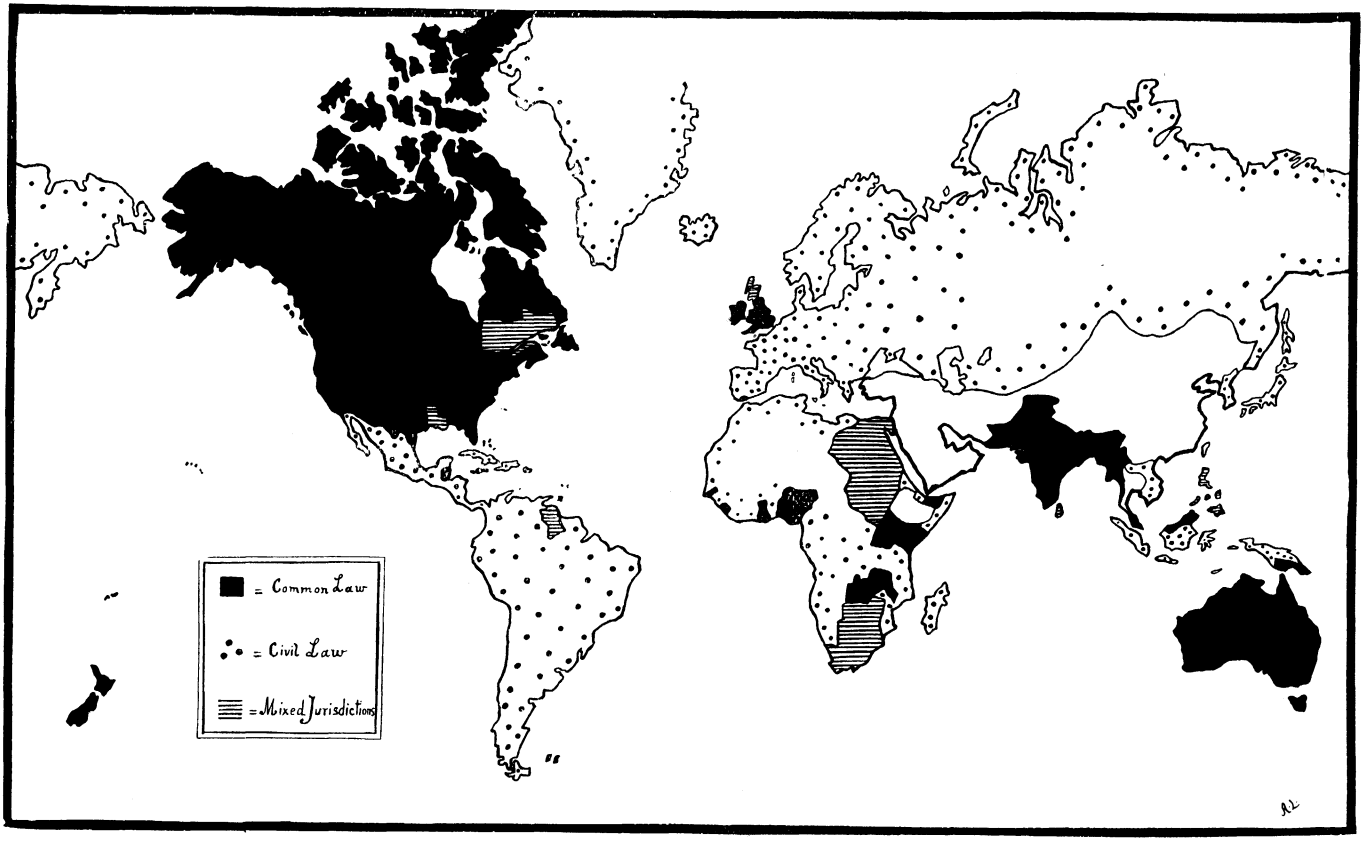
THE CIVIL LAW AND THE COMMON LAW—A WORLD SURVEY.[a]

IN universities and other seats of learning, where men devote themselves to the pursuit of truth, certain great events or movements in the world's history claim attention as essentially and always proper subjects of investigation. Whatever the future may bring, we can hardly suppose a time when the art of Greece, the literature of England, the religions of the East will not be studied. Nor before an assembly of lawyers is it necessary to urge the claims of a great system of law as a subject which may well engage the amplest resources of the human intellect. For many centuries the Law of Rome has occupied a foremost place in the universities of the continent of Europe. The study of the Common Law has in recent years made famous the law schools of America. In the English universities the Civil Law and the Common Law are studied side by side. It is claimed for this method that the student who pursues it, habituated to the comparison of two great systems of law, acquires a deeper insight into legal principles, lays the foundations of his knowledge wider and perhaps surer than might be the case, if he concentrated his attention upon the Roman Law, or upon the Common Law alone. Indeed, the science of Comparative Jurisprudence, though in theory it surveys the legal institutions of all mankind and of all ages, in fact draws its inferences principally from the study of these two systems.

My own professional experience—if I may speak for a moment of myself—has brought me at different times and in different parts of the world into contact with systems of law derived from the Law of Rome, but so modified and interpenetrated by the spirit of the Common Law, that the complex whole might seem in some respects more foreign to the civilian than to the votary of the rival system.

[a] An address delivered before the Michigan Chapter of the Order of the Coif at its annual public meeting, 1915.



THE CIVIL LAW AND THE COMMON LAW—A WORLD SURVEY.

As a young man I helped to administer the law of the Island of Ceylon. The Dutch occupied it before the British, the Portuguese before the Dutch. When the Dutch took possession in the 17th century they brought with them their system known as the Roman-Dutch Law, an amalgam of Dutch statutes and custom and of the Law of Rome; and when the Colony capitulated to the British at the end of the 18th century, the old law was retained, and even extended beyond its former limits. It remains, therefore, in force at the present day, though in many departments superseded, and in all greatly modified, by the Common Law of England. During recent years, while holding the chair of Roman-Dutch Law in the University of London, I have had occasion to investigate the Roman-Dutch system as it exists in much greater vigour in those British possessions in South Africa which lie between the Cape of Good Hope on the South and the Zambesi River on the North, and also the scanty remains of the same system yet surviving in the Colony of British Guiana in the South American continent. Incidentally my attention has from time to time been directed to the law of Mauritius and Seychelles, British possessions in the Indian Ocean, which, having been ceded to Great Britain by France by the Treaty of Paris of 1814, retain the Code Napoléon as the basis of their civil law. Finally, I find myself today Professor of Roman Law in the Province of Quebec, which, alone of the Provinces of Canada, follows the Civil, not the Common, Law. Here too the French law prevails, but, fundamentally, not the French law of Napoleon's codification, but the pre-codification law of the Coutume de Paris. Today we have in Quebec our own Civil Code, dating from the year 1866, for which the Code Napoléon has served in part as a model. Certainly, it has many of the defects of its original.

I began talking about myself, but I have, really, been talking, you see, about things of much greater importance—the diffusion of the Civil Law over the world, the diffusion of the Common Law over the world, and the influence of the one upon the other. Surely it is matter of absorbing and fascinating interest. It is not a record of past events, of by-gone generations, which is here in question. It is the story of a world in the making,—of demiurgic forces, pregnant with the laws of generations yet unborn.

We have seen maps of the world constructed from every point of view. There are geological maps, ethnographical maps, missionary maps. But I have not, to my recollection, seen a legal map. I should like to have a *Mappa Mundi* which would show what legal systems

prevail and where. It would be a valuable aid to the study of Comparative Law. Part of the object of this address is to supply such a map, at all events to the mind's eye. Afterwards I shall come to closer grips with my subject and try to show how the Civil Law in its most modern phases has been affected by the influence of the Common Law.

I need not apologize for beginning my survey with the Continent of Europe, which was the nursing-mother of the two legal systems of which we are to speak; and in a Common Law jurisdiction I shall not be blamed for taking Westminster as the point of departure. The question of the primitive indebtedness of the Common Law to the Law of Rome is one upon which I shall touch but lightly. The origins of the Common Law I must leave to special enquirers in this field.

You will recall the passage in which Sir Henry Maine suggests that Bracton caught the civilians bathing and stole their clothes.[1] Much the same charge too has been made against the early Chancellors;[2] and it is easy to see Roman influences at work in the law of agency, of partnership, and of the group of contracts, which form the subject of Lord Holt's famous judgment in *Coggs* v. *Bernard*.[3] On the other hand Pollock and Maitland insist upon the "Englishry of English Law" in the age of Bracton;[4] and this conclusion, so far as I know, still holds the field. It is scarcely necessary to observe that today the Civil Law has no binding force in a Common Law jurisdiction. Like the apocryphal books in the Bible it "may be read (as Hierome saith) for example of life and instruction of manners, but not to establish any doctrine." If authority is wanted for this elementary statement it will be found in Lord Halsbury's judgment in the House of Lords in *Keighley, Maxsted & Co.* v. *Durant* [1901] A. C. at p. 244.

No Scotsman likes to be mistaken for an Englishman. The two nations differ in their law, as in much else. North of the Tweed we breathe a changed atmosphere. It is now admitted that the Roman Law was received in Scotland, probably about the time of the Reformation.[5] But the Law of Scotland, since the Act of Union, has been more and more assimilated to that of England. It is to be

[1] Ancient Law, p. 87.

[2] Ibid. p. 49.

[3] 2 Ld. Raymond, 909.

[4] P. & M., vol. 1, p. 167 (1st ed.). See on the whole question: "The influence of the Roman Law on the Law of England" by Thomas Edward Scrutton, Cambridge, Eng., 1885.

[5] See article on "Roman Law" in Green's Encyclopaedia of the Law of Scotland, 2nd ed. Edinburgh, 1913.

found in statutes and in judicial decisions. The texts of Justinian's Digest and of the famous Dutch Commentator Joannes Voet of Leyden, who once enjoyed a great vogue in Scotland, are now rarely consulted in practice or cited in argument.

Still within the circle of the British Isles we find the Civil Law established in the Channel Islands of Jersey, Guernsey, Alderney and Sark. The customs of Normandy, supplemented, as elsewhere in the *pays du droit coutumier,* by the Roman Law, have maintained an unbroken tradition from before the Norman Conquest. It is the boast of these islanders that they were the conquerors of Britain.

On the Continent of Europe the Latin countries never entirely lost the Roman Law. In France, the *pays du droit écrit*—roughly speaking the whole country south of the Loire—retained it. The *pays du droit coutumier*—north of the Loire—adopted it. The Code Napoléon, while perpetuating many important institutions of the customary law, such as community of goods between spouses and the rule that the property in goods sold passes upon the conclusion of the contract, consists in the main in a codification of the Roman Law as interpreted by Pothier. Belgium adopted Napoleon's Civil Code, which was also largely followed in the Code of the Kingdom of Holland of 1838. Germany previously to 1900 was divided into the countries of the Pandects and the countries of the Codes. In both the rules of the Roman Law prevailed in greater or smaller measure, as they did also in Austria in the Code of 1812. The German *Bürgerliches Gesetz-buch* of 1900 is only in part a reaction against the Roman tradition. Of the rest of Continental Europe I do not speak. I suspect that everywhere—even in Russia—Romanist influences have been at work supplementing or superseding the native law.

The outlying British possessions in Europe are Gibraltar, Malta, and Cyprus. Gibraltar, which since its capture in 1704, has always been a military fortress, is governed by English Law.[6] Malta, during many vicissitudes of its history, has retained the Roman Law as the basis of its jurisprudence.[7] In Cyprus, the English Law is binding except in cases where the defendant is an Ottoman subject.

Of Asia I can say but little. To the jurist it is still in great measure a *terra incognita.* In British India, the native races retain their personal law. But constitutional law, criminal law, the law of procedure, and to a great extent the law of property, of contract and

[6] Jephson v. Riera (1835), 3 Knapp, P. C. C., 130.

[7] "The existing legal system in Malta being chiefly based on the French Code, recourse is often had to these laws." *The Commercial Laws of the World,* vol. xv, p. 189.

of tort, are English in character. The English Law prevails also in the Malay Peninsula and in Hong Kong.

Ceylon, as we have seen, is governed by the Roman-Dutch Law; and the Civil Law, I suppose, in one form or another is to be found in the American, French, Dutch and Spanish Colonies.

In Africa the countries washed by the Mediterranean have now been parcelled out among the Latin races, and follow, therefore, the Roman Law. Egypt, which has recently been declared a British protectorate, has a Civil Code framed upon the French model. At the other extremity of the Continent, the Roman-Dutch Law introduced in 1652 by Van Riebeek, the first Dutch governor of the Cape, has extended its boundaries, principally during the last century, until it covers the whole of the vast territory which lies south of the Zambesi, comprising the four colonies, now provinces of the Union of South Africa, known as the Cape of Good Hope, the Transvaal, the Orange Free State, and Natal, as well as the country administered by the British South Africa Company under the name of Southern Rhodesia. There is reason to believe that the range of the Roman-Dutch Law may before long receive a yet wider extension in this part of the world. The Civil Law stops at the Zambesi. To the north of it the Common Law prevails in all the British Dominions viz., in Northern Rhodesia, in the Nyasaland Protectorate, in British East Africa, in Uganda, in Nigeria, always of course with a reservation of native custom, "so far as it is not repugnant to natural justice and morality."

The islands of Mauritius and Seychelles—if we are to assign them to Africa—we have already noted as confessing allegiance to the Civil Law, and Madagascar, which is a French dependency, may be referred to the same class together with the Ile de Bourbon, the sister island of Mauritius, which remained subject to France, when Mauritius passed to the Crown of England.

On the American Continent the Civil Law and the Common Law exist side by side. The former prevails in the south, the latter in the north. The Common Law rules in Canada except in Quebec, and in the United States except in Louisiana,[8] and, to a certain extent, in the neighbouring states. In Mexico the Civil Law obtains, if any. In Central and South America the Common Law is found nowhere except in the British Colony of Honduras. British Guiana retains some vestiges of the Roman-Dutch Law, but the Government of the Colony is taking steps to supersede it by the Law of England. In the West Indies the island of St. Lucia reflects the form of the

[8] For a short survey of the legal system of Louisiana see *Studies in the Civil Law* by W. W. Howe of the Bar of New Orleans, Boston, 1905, pp. 135 ff.

French Law, which exists in Quebec, but the Spanish Law seems to have entirely disappeared from Trinidad.[9] In the other British Colonies of this part of the world, and in the Falkland Islands, the Common Law holds sway.

Finally, in Australasia, *i. e.*, the Commonwealth of Australia and the Dominion of New Zealand, the Common Law reigns unchallenged, as also in the neighbouring archipelago of Fiji.

I have finished my geographical survey. We have seen how the Civil Law of Rome and the Common Law of England have extended their influence over a great part of the inhabited globe. During the remainder of our time I shall ask you to consider with me how the Civil Law in its latest phases has been affected by the ceaseless intrusions of the Common Law. In this matter there has been little or no reciprocal action. Whatever the Civil Law had to give and the Common Law was willing to accept was long ago offered and received. For more than a century past the Civil Law has been on the defensive.[10] It is the Common Law that has been the active aggressor. I shall speak principally of the struggle between the two systems in some of the British Colonies. But the same tendencies, I believe, may be detected in other Civil Law jurisdictions, such as the State of Louisiana and the Philippines. It would be interesting—but it is foreign to my present design—to see how the two rivals have fared in a neutral forum such as that of Japan.

The classifications of the Civil Law are far from perfect, but they are familiar, and, with some modification, will serve our purpose. I shall speak successively of the Law of Persons, the Law of Property, the Law of Obligations, the Law of Succession and the Law of Procedure.

The Law of Persons is a department of the Common Law which has received little systematic treatment. The Law of Guardian and Ward retains some archaic features, and affords insufficient protection to the object of its care. In practice the orphan is often left at the mercy of the testamentary guardian and trustee. In this respect the Civil Law is clearly superior. From early times the court has exercised a constant supervision over the tutors and cura-

[9] See *"Spanish Law in the British Empire"* by Charles E. Reis, Esq., *Journal of the Society of Comparative Legislation*, N. S .vol. xv, p. 24 (1914).

[10] Perhaps this is over-stated. There may have been counter-influences e.g. in the "Law of Associations" and, generally, in the field of contract. But it must be remembered that much that was once Roman Law has become part of the general principles of Jurisprudence; and, further, that under modern conditions it is hard to distinguish between conscious or unconscious borrowing and the effects of tendencies common to both systems.

tors of minors. They give security for their good administration and render periodic accounts. In this matter the Common Law has exercised little influence upon the tradition of the Civil Law, and where it has done so, as in British Guiana, the influence has been mischievous.

It may be remarked in passing that minority ends in the Civil Law at twenty-five, in the Common Law at twenty-one. The Common Law rule has prevailed in all the Civil Law jurisdictions subject to the British Crown.

As regards marriage the Canon Law has been a formative element both in Civil Law and in Common Law jurisdictions. On this topic, therefore, no clear issue can be stated between the two systems. A further complication is produced by the absorption into the Civil Law of various institutions of customary origin and particularly of what is called "community of goods between the spouses." This means that the property of the two spouses during marriage forms a common fund under the administration of the husband. Upon the dissolution of marriage by death one moiety of the estate remains with the survivor, the other moiety passes to the heirs of the predeceasing spouse. This institution, which is of Frankish origin, formed part of the customary law of France and of the Netherlands. Through the channels of French and Dutch Law it has passed into the legal systems of many of the British Colonies. In Quebec and in South Africa it remains in force. In Ceylon and British Guiana it has been superseded by legislation modelled upon the English Married Women's Property Acts.

Under the head of juristic persons the Civil Law recognized alongside of the corporation (*corpus, universitas*) the *pia causa* or foundation—(German *Stift*). In the British Colonies the analogies of English Law seem to leave no place for any artificial person other than the corporation. The joint-stock company is a creature of the Common Law. The British Colonies have either adopted the Company Law of England *in toto* or have kept it before their eyes as the model of their own legislation.

In the sphere of Property (to which I now pass) the modern Civil Law has escaped that *damnosa hereditas* of feudalism, the distinction between real and personal property. There is one owner and one ownership for all kinds of property. Hence there is no room for the Common Law doctrine of estates. What Common-lawyers call a life estate the civilians call a usufruct, *a jus in re aliena,* a servitude.

In such a system there is difficulty in finding place for a lease for a term of years. The view that the relation between lessor and

lessee is merely contractual, and creates no real right, which in the Common Law scarcely survived the reign of Edward IV, in the Civil Law has persisted to the present time. In South Africa a lease *in longum tempus,* which is variously defined as ten or twenty-five years, will not affect third parties unless registered against the title. In Quebec this principle is applied to all leases exceeding one year. In British Guiana, where every transfer must be passed before a judge of the Supreme Court and advertised in three numbers of the Official Gazette, a lessee who fails to enter a *caveat* before the transfer is passed, is robbed of all recourse against the land, while on the other hand he is not afforded an opportunity of registering his lease at the date of execution. In this Colony the Roman-Dutch Law is moribund. One sees in this and in other instances that the survival of archaisms in a legal system is a symptom of inertia and decay.

The Law of Possession and of possessory remedies gives trouble in all legal systems. In Roman Law the theory of possession bristles with difficulties. Possessory remedies were denied to the borrower and to the lessee, for want of what the commentators have called the *animus domini, i. e.,* the intention to possess as owner. There are symptoms, however, that in the modern Civil Law these refinements are breaking down. The lessee may usually maintain trespass, and a recent decision of the Privy Council[11] has allowed a like remedy to the Warden or Trustee of a Mosque in Ceylon who certainly could not be said to have the *animus domini,* since he possessed in a merely representative capacity.

In the matter of mortgages the Common Law has outrun the Civil Law, though starting centuries behind it. The common law mortgage reflects the archaism of the Roman *mancipatio cum fiducia,* which scarcely survived to the time of Justinian. Equity however has made the mortgage as elastic an instrument as the Roman *hypothec.* As regards enforcement of mortgages the Common Law has the advantage. In England, at all events, the mortgagee may foreclose or sell—in each case without resorting to the court.[12] In South Africa foreclosure is not permitted, nor sale without judicial decree. In Quebec, on the other hand, the *pacte commissoire* is allowed.

I pass to the Law of Obligations, under which head I shall speak first of contract and then of tort or delict. In the field of contract the Civil Law has adapted itself to the exigencies of modern life. Differing herein from the Common Law, it knows nothing of the

[11] *Abdul Azeez* v. *Abdul Rahiman Mudliyar* [1911] A. C. 746.

[12] Subject, as regards sale, to statutory requirements.

doctrine of consideration or of the contract under seal. A *nudum pactum* (by which I mean a promise without consideration) will be enforced provided it was made seriously and deliberately and directed to a lawful end. Lord de Villiers, the great Chief Justice of South Africa, lately deceased, made an heroic attempt to introduce the Common Law doctrine of consideration into the Law of Cape Colony. His decisions stand, but with every prospect of being repudiated by an appellate tribunal when the occasion arises.

Except in this particular, the decisions of the English and American courts are freely cited before the courts of South Africa in relation to questions arising under the law of contract. Thus the Civil Law "cession of actions" has been brought into general harmony with the English law relating to assignment of "choses in action." This is only one instance. Where modern conditions of life are concerned it is matter of common sense to resort to modern decisions instead of torturing the venerable texts of the Civil Law in order to meet states of fact which their authors never contemplated.

In the whole field of contract, therefore, the influence of the Common Law has been enormous. I am speaking more especially of the Anglo-Dutch Colonies. In the Anglo-French Colonies, such as Quebec, the influence of the French Law is strong and persistent.[13] But here too the Common Law makes its weight felt, and will do so increasingly as time goes on. As regards commercial law and maritime law there has scarcely been a struggle. The principles and rules of English Law have prevailed in all the British Colonies, whether in consequence of statutory enactment or by tacit acceptance and judicial decision.

The Roman Law of delict or tort recognizes certain large categories of wrongful acts as giving rise to an action for damages. The detailed application of these principles is left to the discretion of the courts. The Common Law on the other hand distinguishes numerous grounds of action in tort, which are not readily reduced to general principles of liability.

In the conflict between these two systems the Common Law has occupied the field almost without a struggle. An illustration may be found in the fact that all the Roman-Dutch jurisdictions have admitted the highly technical action for malicious prosecution, though the much simpler Roman *actio injuriarum* would have served the same purpose, and served it better. They have, however, I think, refused to absorb the unnecessary distinctions which the Common Law makes between written and spoken defamation.

[13] See *"French Law within the British Empire"* by Mr. Justice (now Chief Justice) Wood Renton, *Journal of the Society of Comparative Legislation*, N. S. vol. x (1909), pp. 93-250, a learned and illuminating contribution to the subject.

In French Canada the Law of Delicts must be sought in three or four vague and ill-drafted articles of the Code, with the result that the law of civil wrongs in this Province is just what any judicial authority chooses to make it.

In no department of law is the conflict between the Common Law and the Civil Law so marked as in the province of Testamentary and Intestate Succession. It is remarkable that, whereas testamentary disposition was unknown to the early Germans, and an Englishman could not, before 1540, dispose of his land by will, unless by special custom, on the other hand the completest freedom of testation was recognized at Rome as early as the XII Tables. From such beginnings the two systems have travelled in exactly opposite directions. No legal proposition seems so ingrained in the Common Law as that a man may leave his property to whom he will, and that no one, not even a child, has any claim upon a testator's bounty. The later Roman Law, on the other hand, insisted upon the reciprocal duties of parent and child to remember one another in their wills. Hence, the institution of the *Legitim,* which entitles the child (to speak of him alone) to receive under his parent's will not less than one-fourth of his intestate share. This law, which the British found in full force in the Dutch Colonies, has been abrogated in South Africa and in Ceylon. In British Guiana alone it continues to exist. Even in Quebec, where the French tradition is in many respects peculiarly stubborn, freedom of testation was introduced, apparently without protest, by the Quebec Act of 1774.

Through the whole course of the Roman Law, from the XII Tables of Justinian, the heir—testamentary or intestate—was the universal successor of the deceased. The succession once accepted, he sustained its burdens without reference to the sufficiency of the assets. In his character of successor he administered the estate. This system reappears in the modern Civil Law, in which it is still in force. The testamentary executor, indeed, is not unknown, but his position is anomalous, and his relation to the heir ill-defined. Out of this embroglio the Law of South Africa has arrived at a result, which puts the testamentary executor in the position which he occupies in the English Law, the heir being relegated to the situation of the residuary legatee, without liability for the debts of the deceased.

In British Guiana, the home of legal archaisms, the heir occupied until recently the position of universal successor. In French Canada, as in France and Belgium, and, generally, on the continent of Europe, universal succession, consecrated by a code, remains in

vigour. The victories of the Common Law have generally been won through the insinuating channel of judicial decision. Against a code supported by national sentiment, it spends its force, for the time, in vain.

On the subject of intestate succession I shall say but a few words. The English law of succession to personalty is to be found in the Statutes of Distribution of Charles II and James II. It is derived in the main from the Canon Law. The Law of French Canada follows the Roman Law. The intestate system of South Africa traces its origin in the tribal customs of the Franks and Frisians, and exhibits features of a peculiarly primitive character. In both these last-named systems the widow's claim upon her deceased husband's estate receives little or no recognition. This is in accordance with the Roman Law, which admitted her only after the exhaustion of the kindred of the husband. This injustice, which only becomes apparent in case of exclusion of community of goods, has been remedied in the Province of Quebec by a very recent statute.

In connection with the subject of succession perhaps I may be allowed to refer to a topic, which might seem more in place in connection with the Law of Property. I mean the Law of Trusts. My excuse for mentioning it here is its place in the historical development of Roman Law. I am not prepared to say that the Roman jurists do not admit the possibility of a *fideicommissum* created by act *inter vivos,* but, in fact, the subject is always or almost always considered in connection with the transmission of property on death. In its origin the *fideicommissum* was merely a device to enable persons to benefit indirectly, when in law they could not take directly, under a will. Later, it became an obligation imposed upon a testamentary or intestate heir to deal with the whole or part of the estate according to the directions of the deceased. Later, again, it was a means of tying up property through successive generations, a new method of creating a life-estate side by side with the older contrivance of usufruct. Now, *fideicommissa* are often described as trusts, but they differ from trusts *toto coelo*: first, because they do not contemplate the co-existence of two species of ownership, legal and equitable; secondly, because all the learning of the books on the subject of *fideicommissa* supposes them arising *mortis causa.* Such, then, is the point of view of the Civil Law. But, wherever the Common Law penetrates, it carries with it its younger sister Equity along with the whole apparatus of Trusts and the distinction of legal and equitable ownership—things utterly incomprehensible to the civilian mind.

What then is a judge to do in a Civil Law jurisdiction confronted with such a monstrosity as a common law settlement? There is only one thing to do—to capitulate. This, in fact, is what has happened in South Africa where the courts have begun to recognize the equitable estate, and what is still more significant, to deny the equity as against a purchaser for value without notice.

With regard to Procedure I have little to say. The procedure of the High Court of Justice in London is followed in most of the British Colonies including the Union of South Africa. In Quebec we have a revised Code of Civil Procedure dating from 1897 which draws its material from French and English sources indifferently.

I have now finished what I had to say about the diffusion of the Civil Law and of the Common Law over the earth's surface, and about the influence which the second is exercising upon the first. I have spoken of the past and of the present. Dare I pry into the future? It is a perilous adventure. I will hazard it, but with the caution proper to a lawyer. I will say, therefore, that we are at the end of the time in which it is still possible to contemplate the Civil Law and the Common Law as separate and self-contained entities. They are becoming assimilated, and the assimilation will, before very long, be complete, the difference, if any remains, being a difference rather of terminology than of substance. I know that law is supposed to reflect the *volksgeist*—to be a necessary expression of national character. This doctrine has had its vogue, may have served a useful purpose. But the truth is that under modern conditions the *volksgeist* has become a *weltgeist,* and is as shifty as a weather-cock. All the world over, we are today, or shall be tomorrow, talking the same talk, wearing the same clothes, breathing the same aspirations;—all these three—talk, clothes and aspirations —being as infectious as measles.

Well, if law reflects the ideas of a people, as of course it does, community of ideas means community of law. The law of the future, like the first man fashioned by Prometheus, will consist of particles gathered from every side, will be as composite as an English plum-pudding. Moreover, as each legal system yields to the influence of every other, respect for tradition will decline. Experiments will be made, some wise, some foolish, inspired by any fancied utility or cogent opportunism. I am afraid that, in such a ferment of ideas, the most fundamental principles of law, whether of the Common Law or of the Civil Law, cannot expect immortality or even long continuance. Does this mean that we lawyers, the priests of Themis, must see our goddess dishonoured,

her mysteries trampled under foot? Not if we are wise, for wisdom will be justified of her children. It will be our duty to march frontforward as soldiers of reason against brutality, of law against lawlessness, of right against wrong. It may even be that a wider vision is opening to our eyes, a more splendid field to our activity. Is it too much to hope that in a future not too distant the nations, conscious at last of a larger and nobler unity, will hearken to our voice and give heed to our counsels? Meanwhile we must see that we walk worthy of our high calling, remembering the words of Thomas Hobbes—"Princes succeed one another, and one judge passeth, another cometh;—nay, heaven and earth shall pass; but not one tittle of the Law of Nature shall pass, for it is the eternal Law of God."

R. W. Lee.

McGill University, Montreal.